

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

RON BALOGUN,

Plaintiff,

v.

MIDLAND CREDIT MANAGEMENT,
INC.; MIDLAND FUNDING NCC-2
CORPORATION; and ENCORE
CAPITAL GROUP, INC., formerly
MCM CAPITAL GROUP, INC.,

Defendants.

No. 1:05-CV-1790-LJM-WTL

07CV6331

JUDGE KOCORAS

MAG. JUDGE SCHENKIER

FILED

NOV 08 2007

NOV 08 2007

MICHAEL W. DOBBINS

CLERK, U.S. DISTRICT COURT


ORDER

This cause has come before this Court and being fully apprised of the premises,

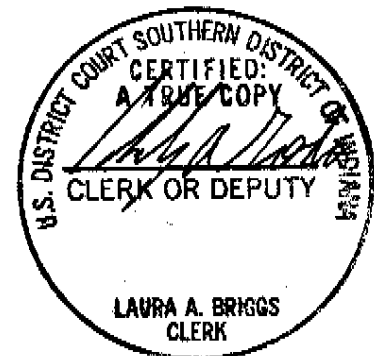
IT IS HEREBY ORDERED that Plaintiff's Unopposed Motion to Transfer Venue

Pursuant to 28 U.S.C. §1404(a) is **GRANTED**.

ENTER: 10/23/2007


LARRY J. MCKINNEY, CHIEF JUDGE
United States District Court
Southern District of Indiana

Daniel A. Edelman
Cathleen M. Combs
James O. Lattuner
Cassandra P. Miller
EDELMAN, COMBS, LATTUNER & GOODWIN, LLC
120 S. LaSalle Street, 18th Floor
Chicago, IL 60603
(312) 739-4200
(312) 419-0379 (FAX)



CLOSED, CMP

**U.S. District Court
Southern District of Indiana (Indianapolis)
CIVIL DOCKET FOR CASE #: 1:05-cv-01790-LJM-WTL
Internal Use Only**

BALOGUN v. MIDLAND CREDIT MANAGEMENT,
INC. et al

Assigned to: Judge Larry J. McKinney

Referred to: Magistrate Judge William T. Lawrence

Cause: 15:1692 Fair Debt Collection Act

Date Filed: 11/29/2005

Date Terminated: 10/23/2007

Jury Demand: Plaintiff

Nature of Suit: 890 Other Statutory
Actions

Jurisdiction: Federal Question

Plaintiff

RON BALOGUN

represented by **Cassandra P. Miller**

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GOODWIN**

120 South LaSalle Street

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312-912-4511

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Email: cmiller@edcombs.com

ATTORNEY TO BE NOTICED

07CV6331

JUDGE KOCORAS

MAG. JUDGE SCHENKIER

FILED

NOV 08 2007 *10*

**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**

Cathleen Maria Combs

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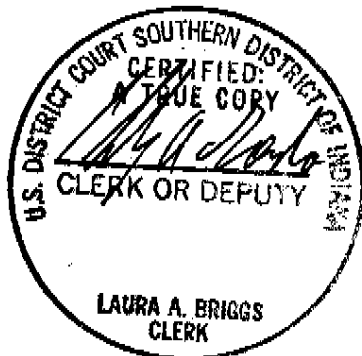
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ATTORNEY TO BE NOTICED

V.

Defendant

**MIDLAND CREDIT
MANAGEMENT, INC.**

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(312) 876-1700
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Pro Hac Vice
ATTORNEY TO BE NOTICED

Defendant

**MIDLAND FUNDING NCC-2
CORPORATION**

represented by **James W. McConkey**
(See above for address)
Pro Hac Vice

ATTORNEY TO BE NOTICED**Renee L. Zipprich**

(See above for address)

*Pro Hac Vice***ATTORNEY TO BE NOTICED****Richard E. Gottlieb**

(See above for address)

*Pro Hac Vice***ATTORNEY TO BE NOTICED****Defendant****ENCORE CAPITAL GROUP, INC.***formerly known as***MCM CAPITAL GROUP, INC.**represented by **James W. McConkey**

(See above for address)

*Pro Hac Vice***ATTORNEY TO BE NOTICED****Renee L. Zipprich**

(See above for address)

*Pro Hac Vice***ATTORNEY TO BE NOTICED****Richard E. Gottlieb**

(See above for address)

*Pro Hac Vice***ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
11/29/2005	1	COMPLAINT against MIDLAND CREDIT MANAGEMENT, INC., MIDLAND FUNDING NCC-2 CORPORATION, and ENCORE CAPITAL GROUP, INC. with Jury Demand, filed by RON BALOGUN. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D) (DH,) (Entered: 11/30/2005)
11/29/2005	2	CIVIL COVER SHEET filed by Plaintiff, RON BALOGUN. (DMW,) (Entered: 12/01/2005)
11/29/2005	3	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued (DMW,) (Entered: 12/01/2005)
11/29/2005	4	RECEIPT #102 7436 in the amount of \$ 250.00 for the filing fee (DMW,) (Entered: 12/01/2005)
11/29/2005	5	NOTICE of Appearance filed by Cathleen Maria Combs on behalf of Plaintiff, RON BALOGUN (DMW,) (Entered: 12/01/2005)
11/29/2005	6	NOTICE of Appearance filed by Daniel A. Edelman on behalf of Plaintiff, RON BALOGUN (DMW,) (Entered: 12/01/2005)

11/29/2005	7	NOTICE of Appearance filed by Derek Bryant Rieman on behalf of Plaintiff, RON BALOGUN (DMW,) (Entered: 12/01/2005)
11/29/2005	8	Summons Issued as to Defendants, MIDLAND CREDIT MANAGEMENT, INC., MIDLAND FUNDING NCC-2 CORPORATION and ENCORE CAPITAL GROUP, INC.. (DMW,) (Entered: 12/01/2005)
12/19/2005	9	RETURN of Service by RON BALOGUN. ENCORE CAPITAL GROUP, INC. served on 12/12/2005. (Attachments: # 1 Certificate of Service)(Rieman, Derek) (Entered: 12/19/2005)
12/29/2005	10	MOTION to Appear pro hac vice by Zipprich, Gottlieb, and McConkey on behalf of MIDLAND CREDIT MANAGEMENT, INC., MIDLAND FUNDING NCC-2 CORPORATION, ENCORE CAPITAL GROUP, INC. (Attachments: # 1 Text of Proposed Order)(PG,) (Entered: 12/30/2005)
12/29/2005	11	RECEIPT #104 3822 in the amount of \$ 90.00 for phv fees Gottlieb, McConkey, and Zipprich (PG,) (Entered: 12/30/2005)
12/29/2005	12	NOTICE of Initial Extension of Time by Defendants, MIDLAND CREDIT MANAGEMENT, INC., MIDLAND FUNDING NCC-2 CORPORATION, ENCORE CAPITAL GROUP, INC. (PG,) (Entered: 12/30/2005)
12/29/2005	14	NOTICE of Appearance by Renee L. Zipprich on behalf of Defendants, MIDLAND CREDIT MANAGEMENT, INC., MIDLAND FUNDING NCC-2 CORPORATION, ENCORE CAPITAL GROUP, INC. (PG,) (Entered: 01/04/2006)
12/29/2005	15	NOTICE of Appearance by Richard E. Gottlieb on behalf of Defendants, MIDLAND CREDIT MANAGEMENT, INC., MIDLAND FUNDING NCC-2 CORPORATION, ENCORE CAPITAL GROUP, INC. (PG,) (Entered: 01/04/2006)
12/29/2005	16	NOTICE of Appearance by James W. McConkey on behalf of Defendants, MIDLAND CREDIT MANAGEMENT, INC., MIDLAND FUNDING NCC-2 CORPORATION, ENCORE CAPITAL GROUP, INC. (PG,) (Entered: 01/04/2006)
01/04/2006	13	ORDER granting 10 Motion to Appear pro hac vice. Attorney Richard E. Gottlieb, James W. McConkey, and Renee L. Zipprich, for MIDLAND CREDIT MANAGEMENT, INC. and MIDLAND FUNDING NCC-2 CORPORATION added . Signed by Judge William T. Lawrence on 01/04/2006. c/m WTL (TMA,) (Entered: 01/04/2006)
01/05/2006	17	RETURN of Service by RON BALOGUN. MIDLAND FUNDING NCC-2 CORPORATION served on 12/13/2005. (Attachments: # 1 Certificate of Service)(Rieman, Derek) (Entered: 01/05/2006)
01/13/2006	18	SCHEDULING ORDER: Initial Pretrial Conference set for 2/27/2006 10:30 AM in room #277 before Magistrate Judge William T. Lawrence. Signed by Judge William T. Lawrence on 01/13/2006. (TMA,) (Entered: 01/13/2006)

		01/13/2006)
01/18/2006	●19	ANSWER to Complaint by MIDLAND CREDIT MANAGEMENT, INC., MIDLAND FUNDING NCC-2 CORPORATION, ENCORE CAPITAL GROUP, INC..(Zipprich, Renee) (Entered: 01/18/2006)
02/15/2006	●20	CASE MANAGEMENT PLAN TENDERED by RON BALOGUN. (Attachments: # 1 Magistrate Judge's Summary# 2 certificate of service) (Rieman, Derek) (Entered: 02/15/2006)
02/21/2006	●21	MOTION for Leave to File <i>Amended Answer Instante</i> by MIDLAND CREDIT MANAGEMENT, INC., MIDLAND FUNDING NCC-2 CORPORATION, ENCORE CAPITAL GROUP, INC.. (Attachments: # 1 Exhibit A)(Gottlieb, Richard) (Entered: 02/21/2006)
02/22/2006	●22	Submission of <i>Proposed Order Granting Motion for Leave to File Amended Answer Instante</i> by MIDLAND CREDIT MANAGEMENT, INC., MIDLAND FUNDING NCC-2 CORPORATION, ENCORE CAPITAL GROUP, INC.. (Gottlieb, Richard) (Entered: 02/22/2006)
02/23/2006	●23	ORDER granting 21 Motion for Leave to File Amended Answer Instante. Signed by Judge Larry J. McKinney on 2/23/06. (PG,) (Entered: 02/23/2006)
02/23/2006	●24	AMENDED ANSWER to 1 Complaint by Defendants, MIDLAND CREDIT MANAGEMENT, INC., MIDLAND FUNDING NCC-2 CORPORATION, ENCORE CAPITAL GROUP, INC. (PG,) (Entered: 02/23/2006)
02/27/2006	●25	ENTRY - Parties appear by counsel for initial pretrial conference. Conference held and concluded without further order. SCHEDULING ORDER: Status Conference set for 5/12/2006 09:30 AM in room #277 before Magistrate Judge William T. Lawrence. Signed by Judge William T. Lawrence on 02/27/2006. (TMA,) (Entered: 02/27/2006)
02/27/2006	●26	ORDER: CASE MANAGEMENT PLAN APPROVED AS SUBMITTED. SCHEDULING ORDER: Dispositive Motions due by 10/29/2006. Signed by Judge William T. Lawrence on 02/27/2006. (TMA,) (Entered: 02/27/2006)
02/27/2006	●27	PRETRIAL MEMORANDUM by RON BALOGUN. (Attachments: # 1 certificate of service)(Rieman, Derek) (Entered: 02/27/2006)
02/27/2006	●28	MOTION to Certify Class by RON BALOGUN. (Attachments: # 1 Exhibit A-C# 2 Exhibit D-F# 3 Text of Proposed Order)(Rieman, Derek) (Entered: 02/27/2006)
02/28/2006	●29	SCHEDULING ORDER: Final Pretrial Conference set for 5/11/07 at 2:00 PM in room #204 and Jury Trial set for 5/29/07 at 9:30 AM in courtroom #202 before Judge Larry J. McKinney. Signed by Judge Larry J. McKinney on 02/28/06. (GJQ) (Entered: 02/28/2006)
03/03/2006	●30	MOTION for Extension of Time to 5/19/06 to file response to 28 MOTION to Certify Class (<i>UNOPPOSED</i>) by MIDLAND CREDIT

		MANAGEMENT, INC., MIDLAND FUNDING NCC-2 CORPORATION, ENCORE CAPITAL GROUP, INC.. (Attachments: # <u>1</u> Text of Proposed Order Granting Defendants' Unopposed Motion for Extension of Time to Respond to Plaintiff's Motion for Class Certification)(Gottlieb, Richard) (Entered: 03/03/2006)
03/09/2006	● <u>31</u>	ORDER granting <u>30</u> MOTION for Extension of Time to 5/19/06 to file response to <u>28</u> MOTION to Certify Class (<i>UNOPPOSED</i>) . Signed by Judge Larry J. McKinney on 3/9/06. (PG,) (Entered: 03/09/2006)
04/28/2006	● <u>32</u>	Joint MOTION for Extension of Time to June 13, 2006 for Plaintiff and July 13, 2006 for Defendant <i>To Disclose Preliminary Witness and Exhibit Lists</i> by RON BALOGUN. (Attachments: # <u>1</u> Text of Proposed Order)(Rieman, Derek) (Entered: 04/28/2006)
05/01/2006	● <u>33</u>	ORDER granting <u>32</u> Motion for Extension of Time to Disclose Preliminary Witness and Exhibit Lists . Signed by Judge Larry J. McKinney on 5/1/06. (PG,) (Entered: 05/01/2006)
05/15/2006	● <u>34</u>	ENTRY - Parties appear by counsel for status conference on Friday, May 12, 2006. Conference held and concluded without further order. SCHEDULING ORDER: Status Conference set for 7/12/2006 11:00 AM in room #277 before Magistrate Judge William T. Lawrence. Signed by Judge William T. Lawrence on 05/15/2006. (TMA,) (Entered: 05/15/2006)
06/08/2006		(Court only) ***Motions Submitted 3 : <u>28</u> MOTION to Certify Class (KJM) (Entered: 06/08/2006)
07/11/2006	● <u>35</u>	SCHEDULING ORDER: Status Conference set for 7/12/2006 is VACATED AND RESCHEDULED for 8/11/2006 10:00 AM in room #277 before Magistrate Judge William T. Lawrence. Signed by Judge William T. Lawrence on 07/11/2006. (TMA,) (Entered: 07/11/2006)
07/20/2006	● <u>36</u>	ORDER granting <u>28</u> Motion to Certify Class. The parties shall submit the names of the individuals included in the class and the parties' agreed notice on or before Wednesday, September 20, 2006. Signed by Judge Larry J. McKinney on 7/20/06. (PG,) ***WITHDRAWN PURSUANT TO COURT ORDER <u>37</u> *** (Entered: 07/20/2006)
07/20/2006	● <u>37</u>	ORDER WITHDRAWING the Court's <u>36</u> Order on Motion to Certify Class, dated July 20, 2006. All Case Management Plan deadlines, as well as any responses due for any outstanding motions, are hereby STAYED until further order of the Court . Signed by Judge Larry J. McKinney on 7/20/06. (PG,) (Entered: 07/20/2006)
07/21/2006		(Court only) ***Reopen Document <u>28</u> MOTION to Certify Class (PG,) (Entered: 07/21/2006)
08/11/2006	● <u>38</u>	ENTRY for 8/11/2006 and SCHEDULING ORDER: Parties appear by counsel for status conference. Conference held and concluded without further order. Status Conference set for 10/11/2006 at 10:00 AM in room #277 before Magistrate Judge William T. Lawrence (see Entry).(LSC,)

		(Entered: 08/11/2006)
10/11/2006	● <u>39</u>	ENTRY - Parties appear by counsel for status conference. Conference held and concluded without further order. SCHEDULING ORDER: Status Conference set for 12/13/2006 11:00 AM in room #277 before Magistrate Judge William T. Lawrence. Signed by Judge William T. Lawrence on 10/11/2006. (TMA) (Entered: 10/12/2006)
12/14/2006	● <u>40</u>	ENTRY - Parties appear by counsel for status conference on 12/13/06. Conference held and concluded without further order. SCHEDULING ORDER: Telephonic Status Conference set for 2/7/2007 09:00 AM before Magistrate Judge William T. Lawrence. Signed by Judge William T. Lawrence on 12/14/2006. (TMA) (Entered: 12/14/2006)
02/07/2007	● <u>41</u>	Minute Entry for proceedings held before Judge William T. Lawrence : Status Conference held on 2/7/2007. Telephonic Status Conference set for 3/14/2007 03:00 PM before Magistrate Judge William T. Lawrence. (TMA) (Entered: 02/07/2007)
03/06/2007	● <u>42</u>	CASE MANAGEMENT PLAN TENDERED, filed by Plaintiff RON BALOGUN. (Attachments: # <u>1</u> Magistrate Judge CMP)(Edelman, Daniel) (Entered: 03/06/2007)
03/07/2007	● <u>43</u>	MOTION to Withdraw <i>appearance of Derek B. Rieman</i> , filed by Plaintiff RON BALOGUN. (Attachments: # <u>1</u> Text of Proposed Order)(Edelman, Daniel) (Entered: 03/07/2007)
03/07/2007	● <u>44</u>	NOTICE of Appearance by Michelle R. Teggelaar on behalf of Plaintiff RON BALOGUN. (Teggelaar, Michelle) (Entered: 03/07/2007)
03/08/2007	● <u>45</u>	ORDER granting <u>43</u> MOTION to Withdraw <i>appearance of Derek B. Rieman</i> . Signed by Judge Larry J. McKinney on 3/8/07. (PG) (Entered: 03/08/2007)
03/08/2007	●	(Court only) *** Attorney Derek Bryant Rieman terminated. (PG) (Entered: 03/08/2007)
03/15/2007	● <u>46</u>	Minute Entry for proceedings held before Judge William T. Lawrence : Parties appear by counsel for status conference on Wednesday, March 14, 2007. Conference held and concluded without further order. Defendant shall respond to Plaintiff's Motion for Class Certification within thirty (30) days. (TMA) (Entered: 03/15/2007)
03/16/2007	● <u>47</u>	ORDER: CASE MANAGEMENT PLAN APPROVED AS SUBMITTED. SCHEDULING ORDER: Dispositive Motions due by 2/14/2008. Signed by Judge William T. Lawrence on 03/16/2007. (TMA) (Entered: 03/16/2007)
03/29/2007	● <u>48</u>	SCHEDULING ORDER: Final Pretrial Conference set for 9/5/08 at 2:00 PM in room #204 and Jury Trial set for 9/22/08 at 9:30 AM in courtroom #202, both before Judge Larry J. McKinney. Signed by Judge Larry J. McKinney on 03/29/07. (GJQ) (Entered: 03/29/2007)
04/06/2007	● <u>49</u>	MOTION for Extension of Time to May 21, 2007 to file response to <u>28</u>

		MOTION to Certify Class (<i>AGREED</i>), filed by Defendants MIDLAND CREDIT MANAGEMENT, INC., MIDLAND FUNDING NCC-2 CORPORATION, ENCORE CAPITAL GROUP, INC.. (Attachments: # 1 Text of Proposed Order)(Zipprich, Renee) (Entered: 04/06/2007)
04/09/2007	●	(Court only) ***Deadlines terminated. (GJQ) (Entered: 04/09/2007)
04/09/2007	●50	ORDER granting 49 Motion for Extension of Time to File Response re 28 MOTION to Certify Class. Response due by 5/21/2007. Signed by Judge Larry J. McKinney on 4/9/07. (PG) (Entered: 04/09/2007)
05/04/2007	●51	NOTICE of Appearance by Cassandra P. Miller on behalf of Plaintiff RON BALOGUN. (Miller, Cassandra) (Entered: 05/04/2007)
05/15/2007	●52	MOTION for Extension of Time to June 18, 2007, to file response to 28 MOTION to Certify Class (<i>AGREED</i>), filed by Defendants MIDLAND CREDIT MANAGEMENT, INC., MIDLAND FUNDING NCC-2 CORPORATION, ENCORE CAPITAL GROUP, INC.. (Attachments: # 1 Text of Proposed Order)(Zipprich, Renee) (Entered: 05/15/2007)
05/16/2007	●53	Submission of Proposed Order re Agreed Motion for Extension of Time to Respond to Plaintiff's Motion for Class Certification [DE 52], filed by Defendants MIDLAND CREDIT MANAGEMENT, INC., MIDLAND FUNDING NCC-2 CORPORATION, ENCORE CAPITAL GROUP, INC.. (Zipprich, Renee) (Entered: 05/16/2007)
05/16/2007	●54	ORDER granting 52 Motion for Extension of Time to File Response to 28 MOTION to Certify Class. Response due by 6/18/2007. Signed by Judge Larry J. McKinney on 5/16/07. (PG) (Entered: 05/16/2007)
06/18/2007	●55	RESPONSE in Opposition re 28 MOTION to Certify Class, filed by Defendants MIDLAND CREDIT MANAGEMENT, INC., MIDLAND FUNDING NCC-2 CORPORATION, ENCORE CAPITAL GROUP, INC.. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E# 6 Exhibit F# 7 Exhibit G# 8 Exhibit H# 9 Exhibit I# 10 Exhibit J# 11 Exhibit K# 12 Exhibit L)(Zipprich, Renee) (Entered: 06/18/2007)
06/20/2007	●56	Unopposed MOTION for Extension of Time to 7/9/2007 to file reply to 28 MOTION to Certify Class, filed by Plaintiff RON BALOGUN. (Attachments: # 1 Text of Proposed Order)(Miller, Cassandra) (Entered: 06/20/2007)
06/21/2007	●57	ORDER granting 56 Motion for Extension of Time to File Reply re 28 MOTION to Certify Class. Reply due by 7/9/2007. Signed by Judge Larry J. McKinney on 6/21/07. (PG) (Entered: 06/22/2007)
07/09/2007	●58	REPLY in Support of Motion re 28 MOTION to Certify Class, filed by Plaintiff RON BALOGUN. (Attachments: # 1 Exhibit Exhibit A) (Edelman, Daniel) (Entered: 07/09/2007)
08/09/2007	●59	Exhibit List, filed by Plaintiff RON BALOGUN, Witness List, filed by Plaintiff RON BALOGUN. (Miller, Cassandra) (Entered: 08/09/2007)

09/14/2007	<u>60</u>	Exhibit List, filed by Defendants MIDLAND CREDIT MANAGEMENT, INC., MIDLAND FUNDING NCC-2 CORPORATION, ENCORE CAPITAL GROUP, INC., Witness List, filed by Defendants MIDLAND CREDIT MANAGEMENT, INC., MIDLAND FUNDING NCC-2 CORPORATION, ENCORE CAPITAL GROUP, INC.. (Gottlieb, Richard) (Entered: 09/14/2007)
10/05/2007	<u>61</u>	ORDER granting Plaintiff's 28 Motion to Certify Class. The Court APPOINTS the firm Edleman, Combs, Lattuner, & Goodwin, LLC, as Counsel for the Class. The Court directs the Clerk of the Court to LIFT the STAY in this matter until further order of the Court. (See Order). Signed by Judge Larry J. McKinney on 10/5/07. (MAC) (Entered: 10/05/2007)
10/22/2007	<u>62</u>	Unopposed MOTION to Transfer Case <i>Pursuant to 28 U.S.C. § 1404(a)</i> , filed by Plaintiff RON BALOGUN., (Attachments: # 1 Text of Proposed Order)(Miller, Cassandra) (Entered: 10/22/2007)
10/22/2007	<u>63</u>	BRIEF/MEMORANDUM in Support re <u>62</u> Unopposed MOTION to Transfer Case <i>Pursuant to 28 U.S.C. § 1404(a)</i> , filed by Plaintiff RON BALOGUN. (Miller, Cassandra) (Entered: 10/22/2007)
10/23/2007	<u>64</u>	CLOSED TRANSFER to Northern District of Illinois. Signed by Judge Larry J. McKinney on 10/23/07. (PG) (Entered: 10/24/2007)

Case #:1:05-cv-01790-LJM-WTL